



**SPOKANE POLICE DEPARTMENT**

FRANK STRAUB, JR.  
CHIEF OF POLICE

**Internal Affairs  
Exemption Log**



| Number                      | Material Withheld  | Brief Explanation of Why Material Withheld   | Legal / Statutory Basis  |
|-----------------------------|--|--|--|
| <b>Witness Exemptions</b>   |  |  |  |
| #1a                         | <u>Name / Identity</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed                          | A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property. | RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)   |
| #1b                         | <u>Date of birth</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed                            | A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property. | RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)   |
| #1c                         | <u>Personal home, work or cell phone number</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed | A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property. | RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)   |
| #1d                         | <u>Residential address</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed                      | A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property. | RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)   |
| #1e                         | <u>E-mail address</u> of witness who fears for his/her safety and wishes his/her identity not be disclosed                           | A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property. | RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)   |
| <b>Juvenile Information</b> |  |  |  |
| #2a                         | Names of Juveniles who are in the Juvenile court system  | Redacted to protect the personal information of a juvenile in the court system. May not be released to the public except by court order.     | RCW 13.50.050 (Juvenile Courts and Juvenile Offenders) and RCW 13.50.100 (4) (a) and (b) (Keeping and Release of Records by Juvenile Justice or Care Agencies). <i>Deer v. DSHS, 122 Wn.App. 84, 94 (2004)</i> |
| #2b                         | Records relating to commission of Juvenile offenses.   | Redacted to protect the personal information of a juvenile in the court system. May not be released to the public except by court order.     | RCW 13.50.050 (Juvenile Courts and Juvenile Offenders) and RCW 13.50.100 (4) (a) and (b) (Keeping and Release of   |

|                             |  |  |  |
|-----------------------------|--|--|--|
|                             |  |  | Records by Juvenile Justice or Care Agencies). <i>Deer v. DSHS, 122 Wn.App. 84, 94 (2004)</i>  |
| #2c                         | Child Victim of Sexual Assault   | This redaction protects information revealing the identity (name, address, location, or photograph) of child victims of sexual assault who are under age eighteen.   | RCW 42.56.240(5) (Investigative, law enforcement, and crime victims)   |
| #2d                         | Child victims or child witnesses   | Information re a child witness / victim is protected to assure the rights under law: to not have name, address, nor photograph disclosed by any law enforcement agency w/o permission of the child or parents/guardians. | RCW 42.56.240(5) (Investigative, law enforcement, and crime victims)   |
| <b>ACCESS Database Info</b> |  |  |  |
| #3a                         | Information from WACIC/NCIC (ACCESS): <b><u>Criminal history information</u></b>         | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.                         | 28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3b                         | Information from WACIC/NCIC (ACCESS): <b><u>License Plate Information</u></b>            | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.                         | 28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3c                         | Information from WACIC/NCIC (ACCESS): <b><u>Vehicle Registered owner information</u></b> | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.                         | 28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3d                         | Information from WACIC/NCIC (ACCESS): <b><u>Wanted persons information</u></b>           | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.                         | 28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3e                         | Information from WACIC/NCIC (ACCESS): <b><u>Officer safety information</u></b>           | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.                         | 28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3f                         | Information from WACIC/NCIC (ACCESS): <b><u>Gun information</u></b>                      | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal   | 28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to  |

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|  |   | law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.  | FBI systems subject to cancellation for failure to comply with use provisions of part C.  |
| #3g  | Information from WACIC/NCIC (ACCESS):<br><b><u>DOL Information</u></b>                | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP. | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3h  | Information from WACIC/NCIC (ACCESS):<br><b><u>Stolen Vehicle Information</u></b>     | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP. | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3i  | Information from WACIC/NCIC (ACCESS):<br><b><u>Missing Persons Information</u></b>    | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP. | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3j  | Information from WACIC/NCIC (ACCESS):<br><b><u>Runaways or endangered persons</u></b> | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP. | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3k  | WACIC/NCIC (ACCESS):<br><b><u>DOC Information</u></b>                                 | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP. | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3L  | WACIC/NCIC (ACCESS):<br><b><u>Stolen Property</u></b>                                 | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP. | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| #3m  | WACIC/NCIC (ACCESS):<br><b><u>Court Orders</u></b>                                    | WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP. | 28 USC § 534 For criminal justice purposes only.<br>28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C. |
| <b>Personal Identifiers and Financial Info</b> |   |  |   |
| #4a  | Social Security Number  | This information constitutes personal  | RCW 42.56.050 (Invasion   |

|                        |  |  |   |
|------------------------|--|--|---|
|                        |  | identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.   | of privacy),<br>RCW 42.56.230 (Personal information),<br>42.56.250(3)(8)<br>(Employment and licensing), 42.56.210(1)<br>(Certain personal and other records exempt),<br>42 USC § 405(c)(2)(viii)(I)<br>(Limits on Use and Disclosure of Social Security Numbers)  |
| #4b                    | Driver's License or Identocard   | This information constitutes personal identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.               | 18 USC § 2721<br>(Prohibition On Release And Use Of Certain Personal Information From State Motor Vehicle Records);<br>RCW 42.56.050 (Invasion of privacy),<br>RCW 42.56.230 (Personal information), 42.56.250<br>(Employment and licensing), 42.56.210(1)<br>(Certain personal and other records exempt) |
| #4c                    | Credit/Debit Card Numbers  | Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.  | RCW 42.56.230(5)<br>(Personal Information),<br>RCW 42.56.060 (Invasion of privacy)  |
| #4d                    | Electronic Check/Check Numbers   | Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.  | RCW 42.56.230(5)<br>(Personal Information),<br>RCW 42.56.060 (Invasion of privacy)  |
| #4e                    | Card Expiration Dates  | Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.  | RCW 42.56.230(5)<br>(Personal Information),<br>RCW 42.56.060 (Invasion of privacy)  |
| #4f                    | Bank Account Number  | Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.  | RCW 42.56.230(5)<br>(Personal Information),<br>RCW 42.56.060 (Invasion of privacy)  |
| #4g                    | Financial Institution Account Number   | Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.  | RCW 42.56.230(5)<br>(Personal Information),<br>RCW 42.56.060 (Invasion of privacy)  |
| <b>Employees Files</b> |  |  |   |
| #5a                    | <b>Photos</b> of Spokane Police Department or other criminal justice employees | Photographs in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 are protected from disclosure for their safety and privacy. | RCW 42.56.250(8)<br>(Employment and licensing)  |
| #5b                    | <b>Birthdates</b> of criminal justice employees                                | Birthdates in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 are protected from   | RCW 42.56.250(8)<br>(Employment and licensing)  |

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|                                       |  | disclosure for their safety and privacy.  |  |
| #5c                                   | Personal Information in employee files                       | Personal information in files maintained for employees, appointees, or elected officials of any public agency is protected to the extent that disclosure would violate their right to privacy.  | RCW 42.56.230(3) (Personal information), RCW 42.56.250(3) (Employment and licensing)                                     |
| #5d                                   | Employee training files                                      | Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination  | RCW 42.56.250(1).  |
| <b>Criminal History</b>               |  |   |  |
| #6a                                   | Criminal history <u>not</u> from ACCESS- Non-Conviction Data | Criminal history which has not led to a conviction or other adverse disposition is protected by state law and only released to Criminal Justice Agencies for law enforcement purposes.  | RCW 10.97 (Criminal Procedure)   |
| <b>Officer Safety or Intelligence</b> |  |   |  |
| #7a                                   | Intelligence, sensitive security, or tactical information    | Record includes sensitive intelligence, security or tactical information the non-disclosure of which is essential to effective law enforcement.   | RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)   |
| #7b                                   | Undercover Officer identification                            | Contains information which could reveal the identity of an undercover officer, who undertakes ongoing dangerous / confidential undertakings to effect law enforcement purposes. Protected to preserve the life and personal safety of officer and family.   | RCW 42.56.240(1) Specific intelligence information the nondisclosure of which is essential to effective law enforcement. |
| #7c                                   | ID Records revealing covert law enforcement activity         | Any record pertaining to a vehicle license plate, driver's license, or identocard revealing the identity of an individual performing undercover law enforcement, confidential public health work, public assistance fraud, or child support investigative activity.   | RCW 42.56.230(7)(c) (Personal Information)   |
| #7d                                   | Law Enforcement Information Sheet                            | Contains confidential data used for law enforcement purposes. Disclosure has no legitimate value to the public and can endanger an individual's safety. Contains specific intelligence information the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. | RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)   |
| #7e                                   | Confidential Informant information                           | Contains identifying information which could reveal the identity of a confidential informant. Considered intelligence information, used in a confidential manner for law enforcement purposes, protected to   | RCW 42.56.240(1) (Investigative, law enforcement, and crime victims).<br>Ashley v. Public Disclosure <i>Comm'n</i> , 16  |

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|-------------------------|--|---|--|
|                         |  | preserve the life and personal safety of the informant and family. Specific intelligence information compiled by law enforcement, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.                        | <i>Wn.App.</i> 830, 836 (1977).  |
| <b>Photos</b>           |  |   |  |
| #8a                     | Photos showing a deceased person         | Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.   | RCW 42.56.050 (Invasion of privacy)<br>RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)  |
| #8b                     | Photos showing highly sensitive material | Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.   | RCW 42.56.050 (Invasion of privacy)<br>RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)  |
| #8c                     | Photo Montages                           | Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.   | RCW 42.56.050 (Invasion of privacy)<br>RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)  |
| <b>Protected by Law</b> |  |   |  |
| #9                      | Medical Records                          | Medical records consist of confidential and privileged information highly personal and restricted. The disclosure of medical records is regulated by state and federal law and not public information. Right to Privacy: Disclosure would be highly offensive to a reasonable person. | RCW 42.56.360 (Health care), 70.02.005 (Findings) and HIPPA (45 CFR 164.502).<br>RCW 42.56.050 (Invasion of privacy)<br>RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt) |
| #10a                    | Jail records                             | This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as this information is only available to criminal justice agencies as defined in RCW 43.43.705.  | RCW 70.48.100 (Jail register)  |
| #10b                    | Jail booking photos                      | This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as this information is only available to criminal justice agencies as defined  | RCW 70.48.100 (Jail register)  |

|      |  |  |   |
|------|--|--|---|
|      |  | in RCW 43.43.705.  |   |
| #11  | Autopsies, postmortems   | Reports and records of autopsies or postmortems are confidential and exempt from public disclosure, but certain officials with authority to examine and obtain copies of such reports may access.  | RCW 68.50.105<br>(Autopsies, postmortems – Reports and records confidential)                              |
| #12  | Confidential Attorney Client Communications  | This redaction protects confidential communications between an attorney and his/her client.  | RCW 5.60.060(2)(a)<br>(Privileged communications)<br><i>Hangartner v. Seattle</i> , 151 Wn.2d 439 (2004). |
| #13a | <b><u>Name/Identity</u></b> of accused police officers                             | This redaction protects names/identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.  | <i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)                        |
| #13b | <b><u>Date of birth</u></b> of accused police officers                             | This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.  | <i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)                        |
| #13c | <b><u>Personal work, home, or cell phone number</u></b> of accused police officers | This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.  | <i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)                        |
| #13d | <b><u>Residential address</u></b> of accused police officers                       | This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.  | <i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)                        |
| #13e | <b><u>E-mail address</u></b> of accused police officers                            | This redaction protects the identities of accused officers in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.  | <i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)                        |
| #14  | Information concerning Mental Health Services                                      | This redaction contains confidential information concerning services to either voluntary or involuntary recipients of mental health services. Such information, if disclosed, would invade an individual's privacy and possibly cause unintended consequences for that individual. | RCW 71.05.390<br>(Confidential information and records)   |



## Spokane Police Department Use Of Force Report

**Incident Entered By:** Sergeant Daniel Waters

### Incident Details

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|                          |                           |                           |
|--------------------------|---------------------------|---------------------------|
| <b>Date Received</b>     | <b>Date of Occurrence</b> | <b>Time of Occurrence</b> |
| 7/25/2014                | 7/25/2014                 | 16:31                     |
| <b>Record ID #</b>       | <b>Incident No</b>        | <b>IA No</b>              |
| 8400                     | 14-245062                 | F14-071                   |
| <b>Date/Time Entered</b> |                           |                           |
| 7/30/2014 14:16          |                           |                           |

### Incident Summary

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Use of force report stemming from an arrest on 7/25/2014.

In compliance with policy per Assistant Chief Dobrow 08/19/14.

### Incident Location

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- 2624 6th AV, Direction: E, Spokane, WA 99202

### Use of Force Specific Information

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|  |                                     |                            |
|--|-------------------------------------|----------------------------|
| <b>Reason for Use of Force</b>                                 | <b>Service Being Rendered</b>       |                            |
| Fleeing (Felony)   | Call For Service                    |                            |
| <b>Weather Condition</b>                                       | <b>Lighting Condition</b>           | <b>Distance to Citizen</b> |
| Clear  |                                     | 1 feet to 3 feet           |
| <b>Citizen Injured</b>   | <b>Citizen Taken to Hospital</b>    | <b>Citizen Arrested</b>    |
| No   | No                                  | Yes                        |
| <b>More than 1 Citizen Involved</b>                            |                                     |                            |
| No   |                                     |                            |
| <b>Citizen's Build</b>   | <b>Citizen's Height</b>             |                            |
| Large  | 5'10" to 6'0"                       |                            |
| <b>Officer Assessment of Citizen Condition During Incident</b> |                                     |                            |
| Unknown  |                                     |                            |
| <b>Officer(s) Injured</b>                                      | <b>Officer(s) Taken to Hospital</b> |                            |
| No   | No                                  |                            |

### Complainant/Involved Citizen Information

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**David Lee Conway**

DOB: 8/23/1974 Race: White Gender: Male

**Address**



- Transient, Spokane, WA

**Types of Resistance Citizen Used Against Officer(s)**

- Active Resistance

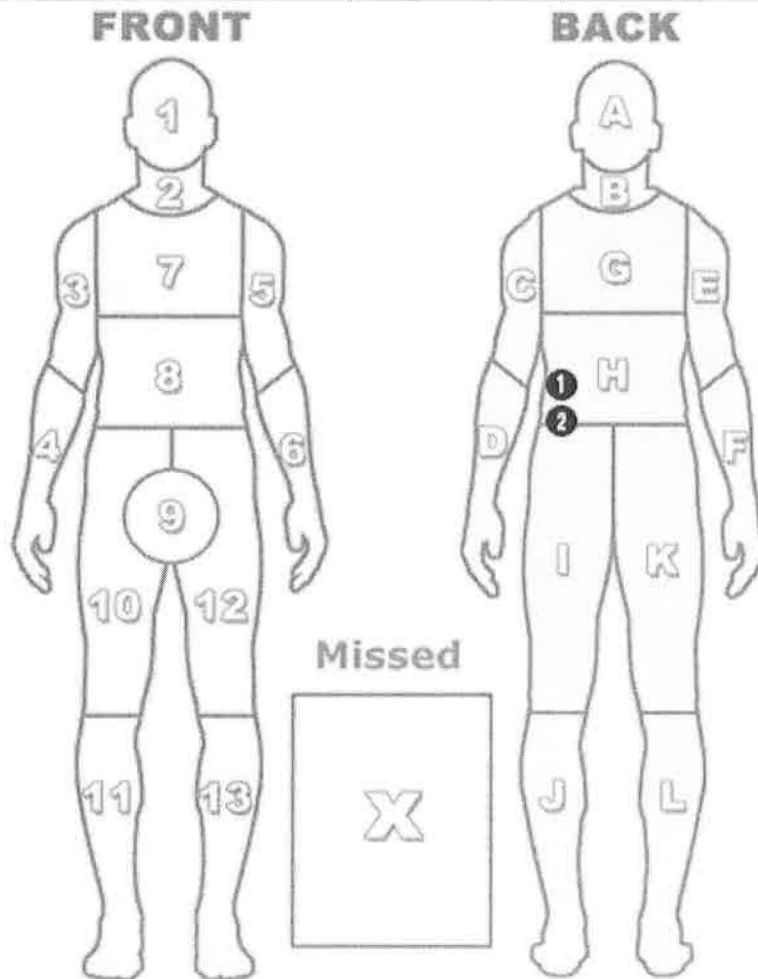
**Involved Officers**

**Officer Nathanael Gobble - Payroll Number:** #5c

**Force used by this officer against the citizen**

- Impact Tools - Was force effective: Yes

| Force Used   | Effective? | Regions | Points of contact |
|--------------|------------|---------|-------------------|
| Impact Tools | Yes        | H       | 1, 2              |



**Citizen Witnesses**

**Lisa Covington**  
**DOB: 9/27/1967 - Race: White - Gender: Female**

**Address**

• 2629 6th, Direction: E, Spokane, WA 99026

**Phone**

• (509) 280-2901

**Terry Metcalf**

**DOB: 10/31/1955 - Race: White - Gender: Female**

**Phone**

• (509) 220-4931

**Officer Witnesses**

**Officer Alexis Kester - Payroll Number:** #5c

**Attachments**

| Date Attached | Attachment Description | Attachment Type |
|---------------|------------------------|-----------------|
| 7/30/2014     | Obstructing ticket     | tif             |
| 7/30/2014     | Gobble report          | tif             |
| 7/30/2014     | Kester report          | tif             |
| 7/30/2014     | Sgt Additional         | doc             |
| 8/20/2014     | CAD Report             | pdf             |

**Chain of Command History**

| Sent Dt   | From                   | To                     | Cc                      | Sender's Instructions               | Approved                            | Recipient's Comments/Response   |
|-----------|------------------------|------------------------|-------------------------|-------------------------------------|-------------------------------------|---|
| 7/30/2014 | Sergeant Daniel Waters | Lieutenant Alan Arnzen | Sergeant Paul Carpenter | Please see the use of force report. | <input checked="" type="checkbox"/> | Officers were investigating a burglary and contacted Conway as a possible suspect. He ran from officers and was a resistive non-compliant person who now posed an assault risk when he balled up his fists. Officers tried multiple control techniques which were defeated by Conway. He didn't respond to multiple verbal commands that neighbors also heard. When Officer Gobble saw Conway with balled up fists he thought he was going to assault the officers. His first knee strike to Conway's left ribs didn't not get compliance or him to relax his fist. The second knee strike got Conway to relax his arms allowing the officers to cuff him. Officer Kester and Gobble did very good reports articulating all the force they used and why. Conway's action dictated which force options the officers had available. This was a struggle with a suspect who was larger than the officers. The force used by the officers caused no apparent injury other than some prone cuffing forehead marks. |

|           |                        |                           |        |                                      |                                     |  |
|-----------|------------------------|---------------------------|--------|--------------------------------------|-------------------------------------|--|
|           |                        |                           |        |                                      |                                     | The force used is appropriate under the circumstances and withing policy. Lt. Arnzen 095 |
| 8/4/2014  | Lieutenant Alan Arnzen | Captain Daniel Torok      | (none) | For your review and recommendations. | <input checked="" type="checkbox"/> | The force used was consistent with policy.   |
| 8/12/2014 | Captain Daniel Torok   | Asst Chief Patrick Dobrow | (none) | for review                           | <input checked="" type="checkbox"/> | I have reviewed this use of force and find it to be within policy.                       |

**Entering Officer Signature Line**

\_\_\_\_\_  
Sergeant Daniel Waters

**Chain of Command Signature Lines**

\_\_\_\_\_  
Lieutenant Alan Arnzen

\_\_\_\_\_  
Captain Daniel Torok

\_\_\_\_\_  
Asst Chief Patrick Dobrow



Spokane Police Department  
Internal Investigation



CONFIDENTIAL

I.A. #:  
Additional

On 7/28/2014 at about 1656 hrs, I responded to the area of 2624 W 6<sup>th</sup> per Officer Gobble's request. He and Officer Kester were in foot pursuit of a burglary suspect, David Conway, and Gobble told me he had used two knee strikes to the Conway's left rib area.

I spoke to a witness, Lisa Covington, who lives at 2629 E 6<sup>th</sup>. She watched the officers chase Conway into the backyard of 2624 E 6<sup>th</sup>. She heard the officers yelling at him to "get down" and he wasn't. She could see them trying to get him to the ground. Covington said the officers "helped" the suspect to the ground.

The complainant on the burglary, Terry Metcalf, heard the officers yelling at Conway to "get down on the ground" several times but she could not see the actual struggle to get him into custody due to where the struggle happened.

I spoke with Conway briefly. He told me he was not injured at all.

Officer Gobble applied the two knee strikes for the following reasons:

- The officers were investigating a burglary in which Conway matched the description.
- Conway attempted to flee.
- Conway had not been searched.
- Conway was much larger than both officers (6' 240).
- There were in a prolonged struggle to get Conway in handcuffs.
- He was actively resisting and defeated other techniques they attempted.
- Conway had a solid base and his fists were balled up.

After delivering the two strikes, Conway stopped fighting and was taken into custody.

After speaking to Gobble, Kester, and the two citizen witnesses, I believe the use of the two knee strikes were reasonable and within policy.

D. Waters #582

08/20/14 15:26:22 PRINT REQUESTED BY TERMINAL PADN07  
Incident History for: #SP140245062 Xref: #SP140245169

Entered 07/25/14 16:31:19 BY 91104 911184  
Dispatched 07/25/14 16:37:56 BY PCC03 1008  
Enroute 07/25/14 16:37:56  
Onscene 07/25/14 16:49:40  
Closed 07/25/14 18:10:01

Initial Type: BURGR Final Type: SUSCIR (SUSPICIOUS CIRCUMSTANCES)  
Initial Priority: 2 Final Priority: 2  
Disposition: 1G Source: A Primary Unit: C367  
Police BLK: SPC5EC  
Group: P5 Beat: Map Page: 33  
Loc: 2614 E 6TH AV ,SPK btwn S SMITH ST & S LACEY ST <500> (NV)  
Name: METCALF,TERRY L 103155 Addr: 2628 E 6TH Phone: 5092204931

/163119 (911184) ENTRY MALE HAS ROUND UNK IN HIS HAND, IS USING TO PR  
Y BACK DOOR OPEN OF NEIGHB HOUSE NOW. UNK IF N  
EIGHB IS HOME. NO OTHER WEAPONS SEEN.  
/163205 SUPP TXT: MALE: HM, LATE 30S, 510/MED, MUSTACHE, DB  
L OR BLK STOCKING HAT  
/163212 (1008 ) HOLD  
/163237 (911184) SUPP TXT: ON LEFT SIDE OF HAT, THERE IS YEL OR GRN  
WRITING  
/163307 SUPP TXT: NEIGHB VEH IS PARKED IN DRIVEWAY : GLD BU  
ICK CAR LIC: UNK.  
/163331 CHANGE TXT: NEIGHB LIC: AFR4815/WA.  
/163351 CHANGE NAM: METCALF,TERRY --> METCALF,TERRY L 103155  
/163356 SUPP TXT: ###  
/163359 (1008 ) MISC  
/163359 MISC  
/163359 MISC  
/163359 MISC  
/163359 MISC  
/163359 MISC  
/163359 MISC  
/163359 MISC  
/163359 MISC  
/163359 MISC  
/163359 MISC  
/163359 MISC  
/163756 DISPER C367 #931 KESTER, ALEXIS  
/163756 ASSTER D373 #1147 GOBBLE, NATE  
/164903 MISC D373 ,SPOKE TO KATELYNN SMITH, 768 5955, SHES CAMPI  
NG, NO ONE SHOULD BE THERE, CATS INSIDE, A HON  
DA BLUE CRV AND OLD BROKEN DOWN TRUCK IN FRONT  
OF IT. IN THE DRIVEWAY... OTHER NUMBER TO CC  
385 5603  
/164940 ONSCNE C367  
/165012 (1147 ) \*ONSCNE D373  
/165047 \*ONSCNE D373

|         |         |          |      |  |
|---------|---------|----------|------|--|
| /165607 | (1008 ) | MISC     | D373 | ,HOUSE SECURE, LIKELY HAVE WRONG ADDRESS |
| /165645 | (1136 ) | *ASSTER  | A310 | [2614 E 6TH AV ,SPK]                     |
|         |         |          |      | #1136 HARVEY, DALE                       |
| /165648 | (1008 ) | ASSTER   | D377 | [2614 E 6TH AV ,SPK]                     |
|         |         |          |      | #1016 WILKINSON, RHIAN                   |
| /165648 |         | ASSTER   | P300 | [2614 E 6TH AV ,SPK]                     |
|         |         |          |      | #635 FERGUSON, MARK (JORDAN)             |
| /165651 |         | MISC     | D373 | ,FP SB                                   |
| /165651 | (667 )  | *ASSTER  | E276 | [2614 E 6TH AV ,SPK]                     |
|         |         |          |      | #667 STRASSENBERG, DANIEL                |
| /165658 | (1169 ) | *ASSTER  | E277 | [2614 E 6TH AV ,SPK]                     |
|         |         |          |      | #1169 YEN, JOHN                          |
|         |         |          |      | #1182 ECKERSLEY, DAVID                   |
| /165713 | (1165 ) | *ASSTER  | C365 | [2614 E 6TH AV ,SPK]                     |
|         |         |          |      | #1165 FLYNN, STACY                       |
| /165722 | (1195 ) | *ASSTER  | E282 | [2614 E 6TH AV ,SPK]                     |
|         |         |          |      | #1195 BENNETT, ANTHONY                   |
|         |         |          |      | #1206 BROWNELL, MARK                     |
| /165723 | (690 )  | *ASSTER  | C351 | [2614 E 6TH AV ,SPK]                     |
|         |         |          |      | #690 ROSENTHAL, MARIE                    |
| /165746 | (1008 ) | MISC     | D373 | ,WERE FIGHTING W/HIM HERE BACK SIDE      |
| /165757 |         | MISC     | D373 | ,TAKING ONE IN TO CUST                   |
| /165759 | (1195 ) | *PREMPT  | E282 |  |
| /165812 | (690 )  | *PREMPT  | C351 |  |
| /165817 | (1008 ) | NEWLOC   | D373 | [2628 E 6TH/BEHIND]                      |
|         |         |          |      | , ONE IN CUST SLOW IT DOWN               |
| /165817 |         | NEWLOC   | C367 | [2628 E 6TH/BEHIND]                      |
|         |         |          |      | , ONE IN CUST SLOW IT DOWN               |
| /165819 | (1169 ) | *PREMPT  | E277 |  |
| /165832 | (320 )  | \$PREMPT | E276 |  |
| /165833 | (582 )  | *ASSTER  | L285 | [2614 E 6TH AV ,SPK]                     |
|         |         |          |      | #582 WATERS, DANIEL                      |
| /165844 | (1136 ) | *PREMPT  | A310 |  |
| /165909 | (1008 ) | MISC     | D373 | ,UNRESTRICTED                            |
| /165925 | (582 )  | *ONSCNE  | L285 |  |
| /165933 | (1016 ) | *PREMPT  | D377 |  |
| /170040 | (1008 ) | NEWLOC   | D373 | [2624 E 6TH/BEHIND]                      |
| /170040 |         | NEWLOC   | C367 | [2624 E 6TH/BEHIND]                      |
| /170040 |         | NEWLOC   | L285 | [2624 E 6TH/BEHIND]                      |
| /170041 | (1165 ) | *ONSCNE  | C365 |  |
| /170120 | (1212 ) | *ASSTER  | C352 | [2624 E 6TH/BEHIND]                      |
|         |         |          |      | #1212 RODRIGUEZ, JUAN                    |
| /170122 |         | *ONSCNE  | C352 |  |
| /170215 | (1008 ) | \$PREMPT | P300 |  |
| /170245 | (676 )  | REMINQ   | C365 |  |
| /170346 |         | CALLBK   | C365 |  |
| /170535 | (1008 ) | REMINQ   | L285 |  |
| /170550 |         | MISC     | L285 |  |
| /170550 |         | MISC     | L285 |  |
| /170550 |         | MISC     | L285 |  |
| /170550 |         | MISC     | L285 |  |
| /170550 |         | MISC     | L285 |  |
| /170550 |         | MISC     | L285 |  |

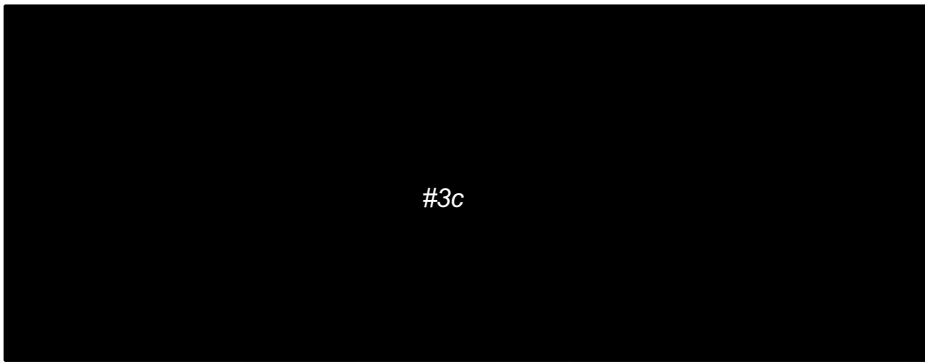
#3a

T/PCC02  
,CONFIRMING OUT OF DOC, OCA/803988

#3b

#3c

/170550 MISC L285  
 /170550 MISC L285  
 /170550 MISC L285  
 /170550 MISC L285  
 /170550 MISC L285  
 /170601 \$PREMPT C352  
 /170656 MISC D373  
 /170741 MISC D373  
 /171023 (1212 ) \*ASSTER C352  
 /172249 \*ONSCNE C352  
 /172336 (1165 ) \*MISC C365  
 /172344 \*CLEAR C365  
 /172403 (1212 ) \*CLEAR C352  
 /172415 (582 ) \*CLEAR L285  
 /172448 (931 ) \*TRANS C367  
 /173858 \*REMINQ C367  
 /174725 (1008 ) \$CROSS  
 /174727 (1147 ) \*CHGLOC D373  
 /175538 \*ONSCNE D373  
 /175712 (1160 ) OK D373  
 /180515 (1147 ) \*CLEAR D373  
 /180856 (931 ) \*MISC C367  
 /180925 \*MISC C367  
 /181001 \*CLEAR C367  
 /181001 CLOSE C367  
 /190225 (1160 ) CHANGE



#3c

,NO NEED TO CONTACT KATELYN BACK, THE NEIGHBOR DID  
 ,TO L285 ORIGINAL COMPL THOUGHT SHE HEARD 2 VOICES, MIGHT WANT TO CHK THE TRAILER [2624 E 6TH/BEHIND]  
 #1212 RODRIGUEZ, JUAN

,I CONTACTED THE HOME OWNER BY PHONE, DAVID HAS PERMISSION TO BE AT THE RESIDENCE MOWING THE YARD.  
 ,PSTAT/ASST  
 ,PSTAT/ASST  
 ,PSTAT/CFS PSTAT/RPT  
 [JAIL] M/0.0  
 ,MALE



#3a

#SP140245169  
 [JAIL]  
 ,PSTAT/ASST PSTAT/RPT  
 ,PSTAT/CFS PSTAT/RPT PSTAT/WAR PSTAT/MISD  
 ,CITED FOR OBSTRUCTING, BOOKED ON WARRANT  
 DSP: 1G  
 TYP: BURGR --> SUSCIR  
 RSP: P --> P  
 PRI: 2 --> 2

08/20/14 15:26:33 PRINT REQUESTED BY TERMINAL PADN07  
Incident History for: #SP140245169 Xref: #SP140245062

Entered 07/25/14 17:47:25 BY PCC03 1008  
Dispatched 07/25/14 17:56:44 BY P305 741  
Enroute 07/25/14 17:56:44  
Onscene 07/25/14 18:11:05  
Closed 07/25/14 18:11:25

Initial Type: CHKEV Final Type: CHKEV (CHECK FOR EVIDENCE)  
Initial Priority: 3 Final Priority: 3  
Disposition: 8K Source: V Primary Unit: P305  
Police BLK: SPA2WC  
Group: P2 (P5 ) Beat: Map Page: 32  
Loc: 1100 W MALLON AV ,SPK -- JAIL ,SPK low xst: N MONROE ST (V)  
Name: METCALF,TERRY L 103155 Addr: 2628 E 6TH Phone: 5092204931

/174725 (1008 ) COPY ,PICS OF CONWAY'S FOREHEAD, AND C367'S ROADRAS  
H  
/174725 \$CROSS #SP140245062  
/174757 CHANGE LOC: JAIL --> 1100 W MALLON AV ,SPK,  
DGP: P5 --> P2,  
BLK: --> SPA2WC,  
SRC: --> V  
  
/174801 HOLD  
/175644 (741 ) \*DISPER P305 #741 BECKLEY, DAVID  
/181105 \*ONSCNE P305  
/181125 \*CLEAR P305 DSP: 8K  
,PSTAT/CFS PICS  
  
/181125 CLOSE P305



# INCIDENT REPORT

**Spokane Police/Spokane County Sheriff**

|  |   |   |                      |   |   |
|--|---|---|----------------------|---|---|
| AGENCY NAME/SUBSTATION<br><b>SPD</b>   |   | EVIDENCE NUMBER<br><b>14-245169</b>                                       |                      | INCIDENT NUMBER<br><b>14-245062</b>   |   |
| INCIDENT TYPE<br><b>Arrest</b>   |   | INCIDENT CLASSIFICATION #1<br><b>SUSP CIRCUMSTANCES</b>                   |                      | ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #2<br><b>OBSTRUCT OFFICER</b> <input type="checkbox"/> |   |
|  |   | INCIDENT CLASSIFICATION #3<br><b>WARRANT ARREST</b>                       |                      | ATTEMPTED <input type="checkbox"/> INCIDENT CLASSIFICATION #4<br><input type="checkbox"/>                         |   |
| RESPONDING TO (Officer Assault)  |   |   |                      | ASSIGNMENT (Officer Assault)  |   |
| REPORTED ON<br><b>Fri 07/25/2014 16:31</b>   | DATE/TIME   | OCCURRED ON<br><b>Fri 07/25/2014 16:31</b>                                | DATE/TIME            | OCCURRED TO<br><b>Fri 07/25/2014 16:31</b>  | DISTRICT  |
| DISPATCH TIME<br><b>16:37</b>  | ARRIVED TIME<br><b>16:49</b>                        | CLEARED TIME  |                      | REPORT DATE<br><b>07/25/2014</b>  | REPORT TIME<br><b>18:58</b>                                   |
| PRIMARY CHARGE<br><b>M-10.07.032 OBSTRUCTING</b>   |   |   |                      |   | UCR/NIBRS CODE<br><b>/</b>                                    |
| LOCATION OF INCIDENT<br><b>2624 E 6th, Spokane, WA 99204</b>   |   |   |                      | LOCATION NAME (IF APPLICABLE)   |   |
| SOLVABILITY FACTORS<br><b>Suspect Arrested</b>   |   |   |                      |   |   |
| RELATED INCIDENT NUMBERS   |   |   |                      |   | INCIDENT XREF   |
| ADDITIONAL REPORTING OFFICERS<br><b>Gobble</b>   |   |   |                      |   |   |
| <b>VICTIM/WITNESSES/OTHERS</b><br><small>A-Arrested Person, VB-Victim - Business, S-Suspect, MIP-Person Mentioned, O-Other, V-Deceased, RU-Runaway, RO-Registered Owner, PS-Passenger, PE-Pedestrian, PC-Pedestrian - Cyclist, C-Complainant, M-Missing, IN-Institutional, G-Legal Guardian, W-Witness, D-Driver, CDN-Contact, CV-Complainant is Victim, V-Victim - Individual, OW-Owner of Property</small> |   |   |                      |   |   |
| CODE<br><b>A-1</b>   | NAME: LAST, FIRST, MIDDLE<br><b>Conway, David L</b> |   |                      | SEX<br><b>M</b>   | RACE/ETHNICITY<br><b>W-White</b>                              |
| DATE OF BIRTH/AGE<br><b>08/23/1974 39</b>  |   | HEIGHT<br><b>5'11"</b>  | WEIGHT<br><b>240</b> | BUILD<br><b>Medium</b>  | HAIR<br><b>Brown</b>  |
| EYES<br><b>BLU - Blue</b>  |   | DESCRIPTORS   |                      |   |   |
| CONFIDENTIALITY <input type="checkbox"/>   | ADDRESS: STREET, CITY STATE ZIP<br><b>transient</b> |   |                      | RESIDENTIAL STATUS  | PHONE   |
| PLACE OF EMPLOYMENT/SCHOOL/ADDRESS   |   |   |                      | OCCUPATION  | EMPLOYER PHONE  |
| ADDITIONAL ADDRESSES<br><b>111 S Whipple, Spokane Valley, WA 99216</b>   |   |   |                      |   | ADDRESS TYPE<br><b>Mailing Address Only</b>                   |
| ADDITIONAL PHONES<br><b>(Cell) (509) 251-8377</b>  |   |   |                      |   |   |
| CHARGE LEVEL<br><b>Gross Misdemeanor</b>   |   | DESCRIPTION<br><b>M-10.07.032 OBSTRUCTING</b>                             |                      |   | UCR/NCIC CODE   |
| WARRANT #  | BAIL  | TYPE OF ARREST<br><b>Summoned/Cited</b>                                   |                      |   | MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/> |
| CITATION #<br><b>n045400</b>   | DATE<br><b>07/25/2014</b>                           | TIME<br><b>16:31</b>  | BOOKED WHERE         |   | DATE  |
| ARREST LOCATION<br><b>2624 E 6th, Spokane, WA 99204</b>  |   |   |                      |   | SUSPECT ARMED WITH  |
| STATEMENT <input type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN   |   | CHARGES <input type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED |                      |   |   |
| JUV. PAR/GRD. Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO   | NAME/RELATIONSHIP OF PERSON NOTIFIED                | DATE & TIME NOTIFIED  | NOTIFIED BY          | DISPOSITION OF JUVENILE   |   |
| DRIVER'S LICENSE <input type="checkbox"/> FAKE <input type="checkbox"/> STATE  | SOCIAL SECURITY NO. <input type="checkbox"/> FAKE   | OTHER ID  |                      |   |   |
| <b>#4b</b>   |   |   |                      |   |   |

|  |                                      |
|--|--------------------------------------|
| ID NO./NAME OF REPORTING OFFICER<br><b>#931 - Kester, Alexis</b> | DISTRIBUTION                         |
| APPROVAL<br><b>#649 - Eckersley, Brian</b>                       | DATE/TIME<br><b>07/26/2014 03:40</b> |

**INCIDENT REPORT CONTINUED**  
**Spokane Police/Spokane County Sheriff**

|  |   |             |            |                                       |  |
|--|---|-------------|------------|---------------------------------------|--|
| INCIDENT CLASSIFICATION<br><b>SUSP CIRCUMSTANCES</b> |   |             |            | ATTEMPTED<br><input type="checkbox"/> | INCIDENT NUMBER<br><b>14-245062</b>      |
| CODE<br><b>C-1</b>                                   | NAME: LAST, FIRST, MIDDLE<br><b>METCALF, TERRY L</b>                    |             |            | SEX<br><b>F</b>                       | RACE/ETHNICITY<br><b>W-White/Unknown</b> |
| DATE OF BIRTH/AGE<br><b>10/31/1955 58</b>            |   | HEIGHT      | WEIGHT     | BUILD                                 | HAIR                                     |
| EYES   |   | DESCRIPTORS |            |                                       |  |
| CONFIDENTIALITY<br><input type="checkbox"/>          | ADDRESS: STREET, CITY STATE ZIP<br><b>2628 E 6th, Spokane, WA 99204</b> |             |            | RESIDENTIAL STATUS                    | PHONE                                    |
| PLACE OF EMPLOYMENT/SCHOOL/ADDRESS                   |   |             | OCCUPATION | EMPLOYER PHONE                        |  |
| ADDITIONAL PHONES<br><b>(509) 220-4931</b>           |   |             |            |                                       |  |
| <b>NARRATIVE</b>                                     |   |             |            |                                       |  |

On 7/25/14 at 1637 hours, Officer Gobble and I were dispatched to a Residential Burglary occurring at 2614 E 6<sup>th</sup>. The complainant, Terry Metcalf, advised a male had a round object in his hand and was trying to pry open the neighbors back door. She was not sure if the neighbor was home. She described the male as a Hispanic male, late 30's, 5'10", medium build, wearing a dark blue or black stocking cap with yellow or green writing on the left side.

Upon arrival, I checked 2614 E 6<sup>th</sup>, and it did not appear anyone had tried to pry the back door open and everything was secure.

I started walking towards the complainant's home at 2628 E 6<sup>th</sup> to confirm what house it was. The house next to 2628 E 6<sup>th</sup> was 2624. It was later found that 2614 was an incorrect address and the target address was 2624 E 6<sup>th</sup>. As I approached the east side of 2624 I noticed a white male fidgeting with some clothes on top of a vehicle. He had facial hair, wearing all dark clothing and wearing a black beanie with a short brim and "DC" in a lime green color on the left side. The male was approximately 5'10" and medium to large build and appeared to be in his late 30's. The male appeared to be the same as the complainant saw and had the very distinct hat still on.

I started talking to the male and asked whose home he was at. He told me he was watching the house for his friend, Crystal Stark. He said we could call her and verify he was okay to be there. Officer Gobble approached me and about the same time the male started taking off his backpack and stepping backwards towards the fence to the backyard. He then turned and sprinted towards the fence. He pulled the fence back and stepped into the back yard. At some point he threw his backpack to the ground in the backyard. As he stepped into the backyard he tripped over the fence and fell to the ground. As I stepped over the fence he stood back up and I attempted to gain right wrist control. Officer Gobble and I told the male several times to stop resisting. At this point he was a suspect in an attempted burglary. He matched the complainant's description and was in the complainant's neighbor's home. The complainant also stated he had a round unknown object in his hand to pry open the door. It was unknown what type of weapon or tool he may have been using and if that object was still on his person and posed a risk of hurting one of us.

The male tensed up his arms and would not place them behind his back. He was attempting to pull away from us to avoid being detained. He put his right hand in the cargo pocket of his shorts. It was unknown if he was reaching for a weapon or tool. I was able to trap his hand in his right pocket and did not feel anything but he was clenching his fist and it was unknown what was in his hand. We continued giving him

**INCIDENT REPORT CONTINUED**  
**Spokane Police/Spokane County Sheriff**

|  |                                       |                                     |
|--|---------------------------------------|-------------------------------------|
| INCIDENT CLASSIFICATION<br><b>SUSP CIRCUMSTANCES</b> | ATTEMPTED<br><input type="checkbox"/> | INCIDENT NUMBER<br><b>14-245062</b> |
|--|---------------------------------------|-------------------------------------|

verbal's to stop resisting and to get on the ground. I tried using a straight arm bar takedown but the male would not budge.

During the struggle we were finally able to bring the male to the ground and partially on his stomach. He kept his knees tucked in under him but his upper body and head were on the ground. I was able to place the male in handcuffs (DL). The male was advised he was under arrest for Obstructing. He was searched incident to arrest.

The male identified himself as, David Conway. A name check showed he had an outstanding felony warrant, which was confirmed.

I read Conway his Warning of Constitutional Rights from a department issued card. He waived his rights at 1704 hours and spoke to me. He stated his friend Crystal Stark (362-6221) lived at the address and was camping. He said Crystal gave him permission to watch her house and mow her lawn. He said he also stores some of his clothes in the back and the clothes on the car were his. Officer's called and confirmed it was Crystal's house and Conway had permission to be there and mow her lawn.

I asked Conway why he ran from us if he knew he had permission to be at the house and he said because he knew he had a warrant. He became very apologetic from that point and said he was sorry he ran.

During the search incident to arrest Officer Gobble located a small plastic baggie with a white crystal like substance inside. The baggie was located in Conway's left cargo pocket. I asked Conway what was in the baggie and he said it was crushed up Aspirin. I asked what drugs he uses and he said Meth. He stated he last used 3 days ago but the substance was not meth. I used a field test kit to test the substance for methamphetamine. It tested negative. The unknown substance was placed on property as evidence. Conway also had a broken glass pipe on him and a small container of marijuana. Conway stated he was homeless and did not have a place to stay. There was no one with Conway and nowhere to safely put the marijuana so I advised Conway I would have to place it on property since jail will not accept it. The pipe and marijuana were both placed on property.

Officer Gobble spoke to Terry our complainant. See his additional report.

Conway was booked for his warrant. He was cited/released for Obstructing on citation #N045400.

Photos were taken at jail of Conways forehead. He had some road rash on his forehead consistent with lying face down during prone handcuffing. The area where he was handcuffed was all dirt, dry grass and weeds. A photo was also taken of my left forearm (scrapes from the wood fence).

A.Kester #931

SPD C367

# SUPPLEMENTAL REPORT

**Spokane Police/Spokane County Sheriff**

|   |                                       |   |   |                             |
|---|---------------------------------------|---|---|-----------------------------|
| AGENCY NAME/SUBSTATION<br><b>SPD</b>                    |                                       | EVIDENCE NUMBER                                       | INCIDENT NUMBER<br><b>14-245062</b>       |                             |
| REPORT PURPOSE  |                                       |   | REPORTED ON DATE<br><b>Fri 07/25/2014</b> | TIME<br><b>16:31</b>        |
|   |                                       |   | INCIDENT XREF<br><b>14-245169</b>         |                             |
| INCIDENT CLASSIFICATION #1<br><b>SUSP CIRCUMSTANCES</b> | ATTEMPTED<br><input type="checkbox"/> | INCIDENT CLASSIFICATION #2<br><b>OBSTRUCT OFFICER</b> | ATTEMPTED<br><input type="checkbox"/>     |                             |
| INCIDENT CLASSIFICATION #3<br><b>WARRANT ARREST</b>     | ATTEMPTED<br><input type="checkbox"/> | INCIDENT CLASSIFICATION #4                            | ATTEMPTED<br><input type="checkbox"/>     |                             |
| DISPATCH TIME   | ARRIVED TIME                          | CLEARED TIME  | REPORT DATE<br><b>07/25/2014</b>          | REPORT TIME<br><b>21:37</b> |
| PRIMARY CHARGE  |                                       |   |   | UCR/NIBRS CODE              |
| <b>NARRATIVE</b>  |                                       |   |   |                             |

On 072514 at approximately 1637 hours, Officer Kester and I responded to 2614 E 6th Ave for a report of a possible residential burglary in progress. The call notes stated the complainant, Terry Metcalf called to report she witnessed a male trying to pry open her neighbor's back door. Terry was calling from her residence, 2628 E 6th Ave. She described the male as being in his late thirties, 5'10" medium build, with a mustache and wearing a dark blue or black stocking hat.

Upon our arrival on scene, Officer Kester and I checked 2614 E 6th and the residence was secure. There were trees and bushes that would have blocked the complainant from being able to see 2614 E 6th from 2628 E 6th. It appeared there had been a miscommunication between the complainant and the call taker so Officer Kester walked down the street to contact the complainant, Terry.

I was speaking to another neighbor in front of 2614 E 6th when I noticed Officer Kester contacting someone on the east side of 2624 E 6th. I began walking that way and as I walking across the front yard of 2624 E 6th, I saw she was talking to a male that matched the description of the suspect, given by Terry. As I approached, the male looked up and made eye contact with me. As soon as he saw me, he turned around and started taking off his backpack and walking towards the backyard. I heard Officer Kester say something similar to, "Stop, come back here!"

The male, later identified as David Conway, started running towards the backyard. Officer Kester again told him to stop but he pushed open the gate to the backyard, causing it to come off it's hinges and fall to the ground. He tripped over the fence as he was running past it and Officer Kester was able to take hold of his shirt to slow him down. As she took hold of his shirt, I saw him turn and face her.

I quickly caught up to them just as David turned towards Officer Kester. I took control of his left arm and told him to get down on the ground. He did not comply and tensed the muscles in his arms and attempted to pull his arm away from me. I attempted to use a Bent Arm Bar technique to take David to the ground in a controlled manner but he continued to flex his arms and upper core to prevent the technique from working. I told him to get down on the ground several times and he still did not comply. David significantly outweighed both Officer Kester and I and he was able to prevent us from taking him to the ground by tensing his muscles and spreading his feet and lowering his center of gravity by squatting slightly.

|  |                                      |  |
|--|--------------------------------------|--|
| ID NO./NAME OF REPORTING OFFICER<br><b>#1147 - Gobble, Nathanael</b> | DISTRIBUTION                         |  |
| APPROVAL<br><b>#208 - Huddle, Kevin</b>                              | DATE/TIME<br><b>07/26/2014 06:41</b> |  |

## SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

|  |                                       |                                     |
|--|---------------------------------------|-------------------------------------|
| INCIDENT CLASSIFICATION<br><b>SUSP CIRCUMSTANCES</b> | ATTEMPTED<br><input type="checkbox"/> | INCIDENT NUMBER<br><b>14-245062</b> |
|--|---------------------------------------|-------------------------------------|

David refused our repeated commands to get on the ground and stop resisting. He said, "What did I do?" I told David if he did not stop resisting he would probably end up getting hurt. I told him to get on the ground immediately or he would be tased. He still refused and again attempted to pull his arms away.

Officer Kester and I attempted to get David on the ground using control tactics such as the Straight Arm Bar and the Bent Arm Bar. David had a pony tail hair cut and I attempted to use a hair hold technique to throw off David's balance and pull him forwards to the ground. His size and strength allowed him to defeat the technique by shifting his balance and standing up straight. After approximately one to two minutes of David struggling against our efforts to detain him, I was able to catch David off balance by placing my leg in front of his and pulling him forward. He tripped over my leg and fell to his knees in the grass/dirt.

David put both hands on the ground and tucked his knees under his stomach, sitting back on his ankles. He leaned forward and placed both hands on the ground, putting himself in a modified "all fours" stance. He continued to flex his arms and center core to prevent us from putting his hands behind his back. I gave him several commands to put his hands behind his back and he did not comply. I attempted to apply a Lateral Neck Restraint but due to David's position he could have easily thrown me off, putting me at a position of greater risk. I feared if I let go of his arm to transition to taser, it would put Officer Kester at greater risk due to his size/strength. David balled his hands into fists and I made the decision to use a knee strike to David's left rib cage for the following reasons:

- David was the suspect in a reported attempted residential burglary.
- David matched the suspect description given by the complainant, perfectly.
- When contacted by Officer Kester, he clearly demonstrated his intent to evade detention by turning and running from Officer Kester and I.
- David actively resisted me and Officer Kester's attempts to detain him by flexing his muscles and pulling his arms away when we attempted to take him to the ground.
- Even after being told repeatedly to stop resisting and get down on the ground, he continuously refused to comply with our commands.
- David was warned that if he continued to resist, we would have no choice but to use force against him and he continued to resist anyway.
- David had a significant size advantage on both Officer Kester and I.
- Even after going to the ground, David drew his weight in towards his center mass and refused to relax his arms to allow us to take him

## SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 3

INCIDENT CLASSIFICATION  
**SUSP CIRCUMSTANCES**

ATTEMPTED



INCIDENT NUMBER  
**14-245062**

into custody.

- Officer Kester and I had struggled with David for over two minutes and he was not showing any signs of giving up.
- While in the four point stance, David balled his fists and I feared me or Officer Kester were about to be assaulted.
- David had defeated multiple control tactics we used to attempt to take him into custody and now posed an active, assaultive risk to both Officer Kester and I.

I delivered one forward knee technique to David's left rib cage. He did not react and his body remained rigid and tensed and his fists remained balled. I delivered a second forward knee technique to his left rib cage and he relaxed his arms, allowing us to transition to handcuffing. David refused to lay flat on his stomach, however, and his knees stayed tucked up under his stomach. In order to prevent him from getting back up or resisting further, I placed my knee across his shoulder blades and back of head. I assisted Officer Kester in placing him in handcuffs (DL) and advised him he was under arrest for Obstrucing a Public Officer. David said, "I have a warrant, that's why I tried to get away." I searched him incident to arrest and found a small baggy of an off white, crystalized substance. I escorted him to a patrol car and Officer Flynn stood by with him while I recontacted the complainant. I heard David say his friend Crystal lives at the location and had asked him to come mow the grass.

I contacted Terry at her house. In summary, she told me the following information: At approximately 1630 hrs, she was in her backyard when she heard a male talking in her neighbor's backyard. She looked and saw there was a male in the backyard she did not recognize. She went inside and continued to watch the male. She saw him take a round object and hold it up to the upper outer corner of her neighbor's back door. It appeared he was attempting to use the item to wedge the door and pry it open. He was unsuccessful so he walked towards the back of the backyard, out of her sight. She went upstairs so she could monitor his activity and she saw him walk back to the same back door. He attempted to gain entry again and was unsuccessful again.

Terry had never seen the male before and believed he was attempting to gain unauthorized access to her neighbor's house. She thought it was odd he was attempting to enter through the rear door, out of sight from the public. She called police to report the incident and was still home when we arrived.

Terry told me she heard us struggle with David. She heard us say, "Get down on the ground" several times and she heard him say, "What did I do?". She could not see him or us because of the fence.

Officer Kester had been talking to David for close to a full minute before he decided to attempt to flee. He decided to run as soon as he saw me approaching because he knew he had a warrant for

# SUPPLEMENTAL REPORT CONTINUED

*Spokane Police/Spokane County Sheriff*

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|  |                                       |                                     |
|--|---------------------------------------|-------------------------------------|
| INCIDENT CLASSIFICATION<br><b>SUSP CIRCUMSTANCES</b> | ATTEMPTED<br><input type="checkbox"/> | INCIDENT NUMBER<br><b>14-245062</b> |
|--|---------------------------------------|-------------------------------------|

his arrest. He clearly knew he was not free to go at that point but chose to run anyway. He continuously resisted our attempts to detain him and refused our commands to get down on the ground. There was an independent witness (complainant) who described seeing David attempting to gain entry to the residence through the back door. We had reasonable suspicion to detain David to investigate the incident and he obstructed our investigation by attempting to flee and resist detention.

There is PC to charge David with Obstructing a Public Officer. See Officer Kester's incident report with details of her conversation with David and her statement.

N. Gobble #1147  
072614

CRIMINAL  TRAFFIC  **NON-TRAFFIC**

N 045400

IN THE  DISTRICT  MUNICIPAL COURT OF SPOKANE, COUNTY OF SPOKANE, \*WA032051J STATE OF WASHINGTON

STATE OF WASHINGTON, PLAINTIFF VS. NAMED DEFENDANT

COUNTY OF SPOKANE

CITY/TOWN OF

L.E.A. ORI #: 14-245002

COURT ORI #:

**THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON**

|                          |                          |   |
|--------------------------|--------------------------|---|
| DRIVER'S LICENSE NO. #4b | EXPIRES                  | PHOTO I.D. MATCHED  |
| NAME: Conway David Lee   |                          | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| ADDRESS: transient       |                          | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| CITY STATE ZIP CODE      | EMPLOYER                 | LOCATION  |
| DATE OF BIRTH: 8/23/74   | RACE: W                  | SEX: M  |
| HEIGHT: 6'00             | WEIGHT: 240              | EYES: Blu   |
| HAIR: Bro                | RESIDENTIAL PHONE NO.    | CELL/PAGER NO. 2518377  |
| WORK PHONE NO.           | VIOLATION DATE: 7/25/14  | TIME: 1103  |
| CH OR ABOUT              | AT LOCATION: 21024 E 6th | CITY/COUNTY OF: SPOKANE   |

**DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND**

|                                    |                          |                          |                          |                          |                          |                          |                          |
|------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| VEHICLE LICENSE NO.                | STATE                    | EXPIRES                  | VEH. YR                  | MAKE                     | MODEL                    | STYLE                    | COLOR                    |
| TRAILER #1 LICENSE NO.             | STATE                    | EXPIRES                  | TR. YR                   | TRAILER #2 LICENSE NO.   | STATE                    | EXPIRES                  | TR. YR                   |
| OWNER/COMPANY IF OTHER THAN DRIVER |                          |                          |                          |                          |                          |                          |                          |
| ADDRESS CITY STATE ZIP CODE        |                          |                          |                          |                          |                          |                          |                          |
| ACCIDENT NO.                       | BAC READING              | CMV                      | 16+                      | HAZMAT                   | EXEMPT                   | FARM                     | FINE                     |
| <input type="checkbox"/>           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES**

|                           |                             |
|---------------------------|-----------------------------|
| #1 VIOLATION/STATUTE CODE | <input type="checkbox"/> DV |
| 10.07 032                 |                             |
| Obstructing               |                             |
| #2 VIOLATION/STATUTE CODE | <input type="checkbox"/> DV |

**MANDATORY COURT APPEARANCE**

|  |    |     |    |  |           |             |
|--|----|-----|----|--|-----------|-------------|
| APPEARANCE DATE  | MO | DAY | YR | TIME   | RELATED # | DATE ISSUED |
| 8/6/14   |    |     |    | 1:30 PM  |           | 7/25/14     |
| <input checked="" type="checkbox"/> Served on Violator<br><input type="checkbox"/> Sent to Court for Mailing<br><input type="checkbox"/> Referred to Prosecutor<br><input type="checkbox"/> Booked |    |     |    | I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S).<br>OFFICER: Kester 931<br>OFFICER # |           |             |

**COMPLAINT / CITATION**

| ABSTRACT OF JUDGMENT  | CRG            | PLEA | CNG | FINDINGS                | FINE | SUSPENDED      | SUB-TOTAL | FIND/JUDG DATE    |
|---|----------------|------|-----|-------------------------|------|----------------|-----------|-------------------|
|   |                |      |     |                         |      |                |           | ARS MID TO OLY    |
|   | 1              | G    | NG  | G NG D                  | \$   | \$             | \$        | TO SERVE          |
|   | 2              | G    | NG  | G NG D                  | \$   | \$             | \$        | WITH DAYS SUP.    |
|   | OTHER COSTS \$ |      |     |                         |      |                |           | CREDIT / TIME SVD |
| RECOMMENDED NONEXTENSION OF SUSPENSION <input type="checkbox"/> |                |      |     | LICENSE SUR-RENDER DATE |      | TOTAL COSTS \$ |           |                   |

N 045400